



# *The Insider*

[www.senate.michigan.gov/dem/switalski](http://www.senate.michigan.gov/dem/switalski)

## **Inside State Politics with State Senator “Mickey” Switalski Senate District 10**

Welcome to the electronic version of *The Insider*. Since the legislature came back from its summer recess in September, there has been a lot of important things that have been accomplished within the Senate walls. Recently, the state announced that it is \$900 million short from its original budget estimates from April. A bi-partisan effort will be required to overcome this shortfall. It is my hope that this bi-weekly email will keep you informed of happenings in Lansing, while keeping true to the traditional style of *The Insider*. If you would like to contact me, please e-mail me at [senmswitalski@senate.michigan.gov](mailto:senmswitalski@senate.michigan.gov) or contact my Roseville or Lansing office.

---

### **Legislative Update**

---

#### **Update: SB 612 Consumers Energy-Appliance Service Plan**

One of the most watched over pieces of legislation, Senate Bill 612, took a turn of events that was unanticipated when it reached the House.

State Senator Mickey Switalski (D-Roseville) was one of the many co-sponsors of a bill that was introduced by State Senator Laura Toy (R-Livonia). SB 612 was passed by the Senate on October 30<sup>th</sup> on a 33-4 vote. The bill then went to the House and was referred to the House Committee on Energy and Technology as House Bill 5188.

SB 612 would amend current the current code of conduct by granting exemptions on the requirement to have a code of conduct for a regulated electrical utility company with less than 30 percent of market share for its appliance repair program. The bill would also restrict the use of employees from a regulated utility from being used in an unregulated utility.

The current code of conduct, which was established in accordance with Public Act 141 of 2000, includes such things as preventing the subsidization of two branches (gas and electric) of a utility, preventing information sharing between these two branches and prevents the preferential treatment between a regulated and an unregulated service. The current code of conduct was due to expire on December 31 of this year.

The House committee felt that more time was needed to consider how to handle the program as vehement opposition to SB 612 has come from many smaller businesses that feared the bill would erode their market share of their heating and cooling programs by giving an unfair advantage to larger companies. The House committee and then the House as a whole voted to extend the temporary deadline of the sunset to July 1, 2004, unanimously. The Senate also approved this with a unanimous 38-0 vote. Currently, the code of conduct remains while further study and analysis occurs in the legislature.

## **SB 716**

State Senator Michael Switalski (D-Roseville) is the author of Senate Bill 716 that was introduced on September 23, 2003. SB 716 would simplify income tax forms by giving taxpayers the option of filling out a six line form the size of a postcard rather than the existing cumbersome and complicated form.

“This bill gives the option for a taxpayer to fill out an easy to use, six line form that is the size of a postcard rather than staying up all night, pulling their hair out trying to fill out the existing forms,” said Switalski.

SB 716 was referred to Senate Committee on Finance where it awaits a hearing.

---

## **Mourning Doves**

---

### **Mourning Doves: House Bill 5029**

No issue has received more public commentary and response than HB 5029, a bill that would list mourning doves as game for hunters. HB 5029 would also authorize the natural resources commission to declare its first open mourning dove hunting season.

The state of Michigan has not allowed the hunting of mourning doves since 1905. HB 5029 was introduced by Susan Tabor (R-Delta Township). Advocates of the bill, such as rock musician Ted Nugent, came to the Legislature on the day the bill passed the House with a 64-44 vote. Nugent was quoted by the Detroit Free Press on November 5 saying "I'm Rosa Parks with a 12-gauge, and I'm hunting doves next September."

Nugent's vow was premature as it still needs to make it out of the Senate, which may have other ideas.

On November 5, HB 5029 was presented to the Senate, where it was referred to the Senate Committee on Appropriations. The main reason for this was a House amendment that would appropriate \$350,000 for a brochure about mourning doves.

The chair of the Senate Appropriations Committee, State Sen. Shirley Johnson (R-Royal Oak), introduced SR 192, a resolution that would recognize the mourning dove as the state's "bird of peace". This resolution, coupled with the Senate Majority Leader Ken Sikkema's (R-Wyoming) public comments that the current focus will be on the budget and the economy, means that the bill won't be up for a final vote any time soon.

State Sen. Michael Switalski (D-Roseville) agrees that the focus of the legislature should be the \$898 million shortfall in the state budget for this fiscal year and the economy. If it does come to a vote, Sen. Switalski will vote against the bill, similarly as he did when he was a member of the House.

---

### **Mourning Doves-The Bird of Peace?**

With the House vote on legislation legalizing hunting of mourning doves pending later in the day (see "Morning Doves"), the Senate started another version of the debate with Sen. Shirley Johnson (R-Royal Oak) introducing a resolution naming the dove as the state's "bird of peace."

With dozens of dove-hunting supporters wearing blaze orange caps sitting in the Senate gallery, staring, and in some cases glaring, down at Ms. Johnson, she read SR 192 on the floor and said it was exactly the same as a 1998 resolution adopted by the House and voted on by 19 current members of the Senate.

No action was taken on the resolution that was sent to the Natural Resources and Environmental Affairs Committee.

The only riposte to Ms. Johnson came from Sen. Michelle McManus (R-Lake Leelanau), one of the chief supporters of the dove hunting provision, who introduced the supporters in the gallery.

In the resolution Ms. Johnson described the mourning dove as known for soft cooing call and that the bird mates for life, with both the male and female caring for their young.

"It is a peaceful bird that plays a quiet but vital role" in Michigan's ecosystem, Ms. Johnson said.

---

## Mickey's Corner

---

### M.I.P. No Longer Means Minor in Possession...Minors in Prison

You might ask yourself, "Why is this bill necessary?"

Are we suddenly being overwhelmed by rampant alcohol abuse by the Youth of Michigan?

No.

I doubt kids are drinking any more today than they did 20, 30 or 50 years ago in Michigan, or 1000 years ago among the Vikings. They probably drink less.

In fact, the State's Court Administrator's Office reports that MIP convictions have dropped nearly a thousand a year the last 3 years. The current system appears to be working. Yet we are being asked to misconstrue the meaning of *possession* and provide for jail time if our kids drink a swig of beer.

*What is it that has made us so desperate?*

The Michigan Court of Appeals issued a decision last year that said it was not a crime for minors to drink legally in Canada and then come home to Michigan. I guess the Republic is now officially *in peril*. I think it is wrong to try to manipulate the meaning of words, distort our laws, and put kids in jail for doing something that at best is patently legal and is generally more accurately characterized as misbehavior.

But we want jail time.

Today we are prepared to brand our own children as criminals, categorize them as substance abusers, compel them to undergo therapy, put them on probation for a year, charge them thousands of dollars for these privileges, scar them with a criminal record that may limit their aspirations for the rest of their lives, and ultimately put them in jail.

All in the name of helping them. Because a kid celebrates his 19<sup>th</sup> birthday by going to Canada with his buddies and drinking a beer.

*What are we thinking?*

Kids are not stupid.

They know when they are being misused. They have a keen sense for hypocrisy. And they resent injustice when they see it. Does a college sophomore at a frat house kegger really need a year of counseling and monthly visits to his probation officer? Do kids in the basement at a New Year's Eve Party need to perform 100 hours of community service, extensive rehab, and undergo substance abuse screening? Will this make them respect the law, obey their elders, and believe in the values of our society?

No. It will do exactly the opposite.

*Have we lost all perspective?*

The jails in Macomb County are full. When we hit 7 straight days over capacity, the Chief Judge has to let somebody out. He'll have to let more out if we need to make room for kids who drink beer in Canada on the weekends.

Is that how we want our kids treated and our jails run?

---

## **Direct Assault on Youth**

---

State Sen. Michael Switalski (D-Roseville) led the opposition recently against a Senate bill that could modify the definition of a minor in possession to include having alcohol in the body and could result in jail time for repeat offenders. Possession is currently defined as having control of or actually having a substance such as alcohol on a person when a police officer has reasonable cause to search a person. SB 637 passed the Senate, 24-14 on Nov. 12 and was sent to the House, where it was referred to the House Committee on Criminal Justice.

“The current system appears to be working as M.I.P. convictions have decreased over the last couple of years,” said Sen. Switalski. “Many of my young constituents go to Canada to drink legally and then come home to Michigan with a designated driver. The Michigan Court of Appeals has ruled that this is not a crime. Yet the legislature is being asked to manipulate the meaning of possession, distort our laws, and put kids in jail for something that, if we are honest, many of ourselves have engaged in at one time or another.”

SB 637 would provide for a fine of up to \$100 for a first offense with a second offense leading up to 30 days in jail and a \$200 fine. A subsequent conviction could result in a \$500 fine and up to 93 days in jail. A first time offender who pleads guilty could have charges dismissed if they fulfill the conditions of probation, which could include community service and substance abuse counseling.

“With this legislation we are preparing to brand our children as criminals, categorize them as substance abusers, compel them to undergo therapy, put them on probation for up to a year, charge them thousands of dollars for these privileges, scar them with a criminal record that may limit their aspirations for the rest of their lives and ultimately put them in jail.”

“If we are saying that the mere presence of trace amounts of alcohol in a minor’s system is criminal possession, consider the implications. If that is possession, then minors who ingest such things as mouthwash, cough syrup and rum raisin ice cream are criminals. Our jails are already overcrowded. Is this really how we want our kids treated and our jails run?”

---

## **Senator Gives Invocation for Senate Session**

---

State Senator Mickey Switalski (D-Roseville) had an opportunity to address the Senate with an invocation on Election Day, November 4.

Here is what he said during the invocation before the beginning of session:

Good morning, Lord. This is the month of Thanksgiving, and we have a lot to be thankful for. And today is Election Day. Thirty-eight of us want to renew our thanks to You on the anniversary of our election to the Senate. We hope we haven’t disappointed You in the year since You smiled on us.

Lord, today we especially want to thank You for our democracy, and specifically for the election day we get to have every year. You have been very generous in this respect. Some would say too generous. A few of us happen would be happy with four election days a year, but we’ll work all that out with Your help.

Please disregard all the complaining we may have done in the past about having to stand at the polls all day passing out literature and about having to wait half the night for the returns from some God-forsaken precinct out in the hinterland. You know we secretly like it. And, Lord, thanks for the 70 degree weather today for the voters and the poll workers.

I’ll end with an apology for how we’ve misused Your great gifts. You give us a great present every November, and most of us leave it in the closet. So if You can, grant us one last thing. Help this

Senate to conduct itself in a way that inspires people to participate in democracy. Grant us the vision to see politics for what it should be, an activity that allows us to fulfill Your creation's potential.

And finally, during our campaigns, give us the faith to appeal to the better angels of voters' nature so that we can uplift and ennoble people with our campaigns. Grant us humility when we win, and if we lose, grant us the grace and honor to lose well. Amen.

---

### **Coffee Hours**

---

Please stop by and talk with me during these times. I appreciate your comments and views on important issues.

\*Please note that since the District Office is in Roseville I will not have very many coffee hours in that area. I encourage you to visit the Roseville office.

**Sterling Heights/Utica**  
**December 1**  
**7-9 P.M.**

Location: Sterling Heights Library  
(Utica and Dodge Park roads)

**Clinton Township**  
**November 24**  
**7-9 P.M.**

Location: Clinton Township Library  
(35891 Gratiot and 15 mile)

---

### **Contact My Office**

---

**Website:** [www.senate.michigan.gov/dem/switalski](http://www.senate.michigan.gov/dem/switalski)

**Email:** [mswitalski@senate.michigan.gov](mailto:mswitalski@senate.michigan.gov)

#### **Lansing Office**

Senator Mickey Switalski  
Senate District 10  
410 Farnum  
PO Box 30036  
Lansing, Michigan 48909

(517)373-7315  
Fax-(517)373-3126

#### **District Office**

28311 Utica Road  
Roseville, MI 48066

Monday through Friday  
9:00 A.M. to 5:00 P.M.

(586)774-2430  
Fax-(586)774-0012